

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

CARLOS V. FIELDS,

Plaintiff,

v.

CIVIL ACTION NO. 5:04-cv-01195

THOMAS MCBRIDE, et al.,

Defendants.

JUDGMENT ORDER

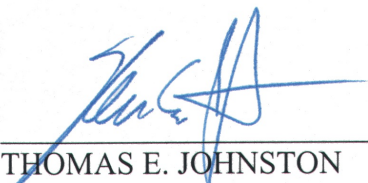
By Standing Order entered on July 21, 2004, and filed in this case on November 8, 2004, this action was referred to United States Magistrate Judge R. Clarke VanDervort for submission of proposed findings and a recommendation ["PF&R"]. Magistrate Judge VanDervort filed his PF&R on July 13, 2007 [Docket 31]. In that filing, the magistrate judge recommended that this Court grant Defendants' Motion to Dismiss or in the Alternative Motion for Summary Judgment and dismiss this case without prejudice and remove this matter from the Court's docket.

The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Here, objections to Magistrate Judge VanDervort's PF&R were due by July 30, 2007, pursuant to 28 U.S.C. § 636(b)(1) and FED. R. CIV. P. 72(b). Plaintiff has failed to object to the PF&R.

Having reviewed the Proposed Findings and Recommendation filed by Magistrate Judge VanDervort, the Court adopts the findings and recommendations contained therein. Accordingly, the Court hereby **GRANTS** Defendants' Motion to Dismiss or in the Alternative Motion for Summary Judgment [Docket 21] and **DISMISSES** this case **WITHOUT PREJUDICE** and **DIRECTS** the Clerk to remove this matter from the Court's docket.

The Clerk is further directed to mail a certified copy of this Judgment Order to all counsel of record, Plaintiff, *pro se*, and a copy to Magistrate Judge VanDervort.

ENTER: August 14, 2007



THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE